IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4656 OF 2005.

The State of Maharashtra. ... Applicant.
Versus.
Chandrasaheb S. Mujawar & others. ... Respondents.

Shri D.P.Adsule, A.P.P. for the Applicant.

Ms.Archana B.Kololgi holding for Shri T.S.Ingale for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 20th December, 2006.

P.C.:

1. Heard the learned A.P.P. for the State. Perused the notes of evidence. The examination-in-chief of the Complainant-wife runs in one paragraph. The relevant part of the examination-in- chief reads thus:

> "In the beginning my in laws treated me in well manner for the period of 10 months. Thereafter all of them started demanding Rs.50,000/- from my father to pay the installments of the rickshaw. During that period I delivered two daughters which got deceased immediately after the birth. My in laws were demanding the money on 17.8.2002 my in law admitted me in Janat Hospital, Kolhapur for the purpose of delivery. At that time I delivered a daughter (female child). Hence no one had come from my matrimonial house to visit me in the hospital. My father took me to his house after the discharge. No one had

come to visit me at that time also. Hence, I submitted an application with Mahila Aghadi at Walivade to take me had for cohibitation. However they also demanded money. Then my father made an application with our community requiring my husband to take me back for cohabitation. In that time also they continued demanding money from my parents. According our community supplied a letter to my father to take further action against the accused persons. Thereafter I have filed this complaint. Now it is shown to me, it bears my sign. Contents in it are correct as per my version. It is a Exh.24. Accused are present before the Court today."

On a plain reading of the examination-in-chief, it is apparent that there is no allegation made by the Complainant that on account of her failure or the failure of her parents to meet the demand, any harassment or cruelty was caused to her. On a plain reading of the examination-in-chief itself, it is very clear that neither clause (a) nor clause (b) of Explanation to section 498A of the Indian Penal Code will apply. The view taken by the learned trial Judge is a possible view. No case is made out for grant of leave. The Application is rejected.

Judge.